

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**BUSHIDO CAPITAL MASTER FUND, L.P.,  
BCMF TRUSTEES, L.L.C.**

**Plaintiff,**

**-against-**

**BIONUTRICS, INC.,**

**Defendant.**

**Case No. 08 CV 0146 (LTS)**

**STIPULATION AND PROPOSED ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned  
counsel for the respective parties, as follows:

1. Defendant withdraws its pending motion to dismiss the Complaint, filed on March 11, 2008.
2. Defendant consents to the filing and service of an Amended Complaint upon its counsel via hand delivery.

3. Defendant's time to answer, move or otherwise respond with respect to the Amended Complaint shall be governed by Fed. R. Civ. P. 15, measured from the later of the Court's entry of this Stipulation or service of the Amended Complaint.

Dated: New York, New York  
March 19, 2008

**SOLOMON, PEARL, BLUM, HEYMANN &  
STICH, LLP**  
Attorneys for Bionutrics, Inc.

By: 

David Stich  
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Dated: New York, New York  
March 19, 2008

**CROWELL & MORING LLP**  
Attorneys for Bushido Capital Master Fund, L.P. and  
BCMF Trustees, L.L.C.

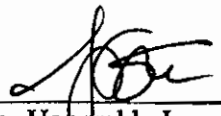
By: 

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*This Order resolves docket entry #8.*

SO ORDERED:

*The parties are reminded that courtesy copies of all motion papers must be supplied for chambers. See Individual Practices Rule of Judge Swain on the Court's website.*

  
The Honorable Laura T. Swain  
United States District Judge

Dated: March 20, 2008.